

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	CASE NO. CR00-327-TSZ
Plaintiff,	)	
	)	
v.	)	
	)	SUMMARY REPORT OF U.S.
DAVID ARNOLD BURKE,	)	MAGISTRATE JUDGE AS TO
	)	ALLEGED VIOLATIONS
Defendant.	)	OF SUPERVISED RELEASE
_____	)	

An initial hearing on supervised release revocation in this case was scheduled before me on July 13, 2012. The United States was represented by AUSA Thomas Bates and the defendant by Lynn Hartfield for Paula Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about September 29, 2000 by the Honorable Thomas S. Zilly on a charge of Armed Bank Robbery (two counts) and Bank Robbery (two counts), and sentenced to 150 months custody, 5 years supervised release.<sup>1</sup>

The conditions of supervised release included the standard conditions plus the

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<sup>1</sup> The Judgment could not be accessed on CM/ECF. This information is taken from the violation report filed by the Probation Officer. (Dkt. 80)

01 requirements that defendant submit to search and reside in a residential re-entry center for up to  
02 120 days. (Dkt. 66, 80.)

03 On June 18, 2012, defendant admitted violating the conditions of supervised release by  
04 testing positive for heroin and marijuana, failing to report for urinalysis, testing positive for  
05 heroin and cocaine, and failing to participate in substance abuse treatment. (Dkt. 78.) A  
06 disposition hearing was set before Judge Zilly on August 2, 2012. Defendant was released on  
07 an appearance bond. (Dkt. 79.)

08 In an application dated (Dkt. 80, 81), U.S. Probation Officer Jennifer J. Tien alleged the  
09 following violations of the conditions of supervised release:

10 1. Using cocaine and marijuana, on or before June 7, 2012, in violation of standard  
11 condition No. 7.

12 2. Using cocaine, marijuana and opiates, on or before June 28, and July 2, 2012, in  
13 violation of standard condition No. 7.

14 Defendant was advised in full as to those charges and as to his constitutional rights.

15 Defendant admitted these violations and waived any evidentiary hearing as to whether  
16 they occurred. (Dkt. 82.)

17 I therefore recommend the Court find defendant violated his supervised release as  
18 alleged in violations five and six, and that the Court conduct a hearing limited to the issue of  
19 disposition. The next hearing will be set before Judge Zilly.

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01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 16th day of July, 2012.

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05 Mary Alice Theiler  
06 United States Magistrate Judge

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09 cc: District Judge: Honorable Thomas S. Zilly  
10 AUSA: Thomas Bates  
11 Defendant's attorney: Paula Deutsch, Lynn Hartfield  
12 Probation officer: Jennifer J. Tien  
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